

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN W. TOBIN,

Plaintiff,

V.

Civil Action No. 05 CV 11179DPW

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON and
LIBERTY MUTUAL
INSURANCE COMPANY,

Defendants.

**DEFENDANTS' MOTION FOR LEAVE
TO FILE A REPLY TO PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

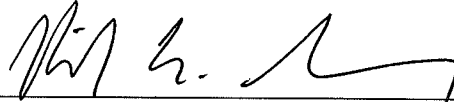
Defendants Liberty Life Assurance Company of Boston and Liberty Mutual Insurance Company respectfully request leave to file a Reply to the Plaintiff's Opposition to Defendants' Motion to Dismiss in order to address some of the mischaracterizations and misapplication of law contained in Plaintiff's Opposition Memorandum and to aid the Court in deciding Defendants' pending Motion to Dismiss.

WHEREFORE, Defendants respectfully request leave to file a Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss.

Respectfully submitted,

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON and
LIBERTY MUTUAL
INSURANCE COMPANY,

By their attorneys,



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Date: September 21, 2005

CERTIFICATE OF CONCURRENCE WITH LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), I hereby certify that on September 20, 2005, I spoke with plaintiff's counsel, Frank Frisoli, in an effort to resolve or limit the issues presented by this motion. At that time, Tobin's counsel informed me that he did not intend to file an opposition to this motion.



Richard E. Bowman